

California Coastal Commission
SOUTH COAST DISTRICT
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Staff Analyst Dixie Nowell

STAFF REPORT: CONSENT CALENDAR

RECEIVED

AUG 28 1981

PROJECT DESCRIPTION

CALIFORNIA
COASTAL COMMISSION

APPLICANT: Kenneth Chiate and Roger Work AGENT: Cahill-Leese Architects

PERMIT NO.: 5-81-35

PROJECT LOCATION: 27900 Pacific Coast Hwy., Malibu, CA

PROJECT DESCRIPTION: Construction of a 2-story, 5-bedroom 6800 sq. ft. SFD with attached 3-car garage, 2-car carport, swimming pool and tennis court.

LOT AREA	2.7 acres	ZONING	R-1 20,000
BLDG. COVERAGE	6800 sq. ft.	PLAN DESIGNATION	G.P.
PAVEMENT COVERAGE	5500 sq. ft.	G.P., LUP draft, LUP adopt, LUP cert., LCP	
LANDSCAPE COVERAGE	n/a	PROJECT DENSITY	n/a
		HEIGHT ABV. FIN. GRADE	30'

LOCAL APPROVALS RECEIVED: Approval in Concept/ L.A. County

SUBSTANTIVE FILE DOCUMENTS

1. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

VI. SPECIAL CONDITIONS: Prior to issuance of the permit, the applicant shall execute and record a document in a form and content approved by the Executive Director of the Commission irrevocably offering to dedicate an easement to be used for public parking to a public agency or private association acceptable to the Executive Director. The easement shall be 25 feet wide and located adjacent to and parallel to the existing right-of-way within the area designated as "FUTURE STREET" on recorded parcel map "7543. The offer or the accepted easement shall be extinguished when construction of the street commences. The offer shall run for a period of 21 years from the date of recordation and shall be prior to all liens except tax liens and all encumbrances the Executive Director determines may effect the interest being conveyed.

III. FINDINGS

A. Project Description and History

The application is a request to construct a 2-story, 6800 sq. ft. SFD with attached garage swimming pool and tennis court on a 2.7 acre parcel. The subdivision of a 5.3 acre parcel into two

parcels of 2.6 acres and 2.7 (subject parcel) acres was approved under permit application P-2707 and PE-80-2707, with vertical and lateral access conditions which have been recorded.

B. Issues

1. Access

Section 30223 of the Coastal Act states:

Upland areas necessary to support recreational uses shall be reserved for such uses, where feasible.

The area in which the applicant's parcel is located immediately abuts Pacific Coast Hwy. Due to the rural nature of this area, the traffic (both automobile and trucks) moves at a maximum rate of speed. Any public use of the recorded vertical access easement could be precluded by lack of off street parking facilities on the ocean side of Pacific Coast Hwy. Parking on the dirt shoulders on either the north or south side of Pacific Coast Hwy. could result in accidents to vehicles and possible pedestrian fatalities.

At a County requirement of the original subdivision, the applicant was required to dedicate a portion of his property for a "Future Street" to the County of Los Angeles.

The Commission finds that the project, as conditioned, can be found consistent with Section 30223 of the Coastal Act of 1976.

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